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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/825,955	04/15/2004	Kenneth T. Heruth	1023-362US01

CONFIRMATION NO. 8230

## FORMALITIES LETTER



\*OC000000013067778\*

28863  
 SHUMAKER & SIEFFERT, P. A.  
 8425 SEASONS PARKWAY  
 SUITE 105  
 ST. PAUL, MN 55125

Date Mailed: 06/25/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/27/2004 MAHMED1 00000113 10825955

01 FC:1001	770.00 OP
02 FC:1051	130.00 OP
03 FC:1201	172.00 OP
04 FC:1202	864.00 OP

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$1036 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1936 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is **\$1036**
  - **\$172** for **2** independent claims over 3.
  - **\$864** for **48** total claims over 20.

Replies should be mailed to:   Mail Stop Missing Parts  
  Commissioner for Patents  
  P.O. Box 1450  
  Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

Y.G  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth; Confirmation No. 8230  
Keith A. Miesel  
Serial No.: 10/825,955  
Filed: April 15, 2004 Customer No.: 28863  
Examiner: Unknown  
Group Art Unit: 3736 Docket No.: 1023-362US01  
Title: COLLECTING ACTIVITY AND SLEEP QUALITY INFORMATION VIA  
A MEDICAL DEVICE

CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being deposited with the United States Post Service, as First Class Mail, in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on

August 24, 2004.

By:

Shirley A. Betlach  
Name: Shirley A. Betlach

MAIL STOP MISSING PARTS

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached correspondence relating to this application:

- ☒ Transmittal sheet containing Certificate of Mailing
- ☒ Signed Combined Declaration and Power of Attorney (4 pgs.)
- ☒ Part 2 - Notice to File Missing Parts of Nonprovisional Application (2 pgs.)
- ☒ Check in the amount of \$1936.00 (\$1806.00 for deferred filing fee and \$130.00 for missing parts surcharge)
- ☒ Return postcard

Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date:

August 24, 2004

By:

Jason D. Kelly  
Name: Jason D. Kelly  
Reg. No. 54,213

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